

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22616 of 2005

Dated 23-12-2005

Between:

R.Janardhan Reddy.

.. PETITIONER

AND

Primary Agricultural Cooperative Society,
Yellamkanne and others.

.. RESPONDENTS

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ORDER

The petitioner was working as a Secretary in the Primary Agricultural Co-operative Society, Gingurthy. The said society has since been merged with the first respondent through a resolution, dated 29-09-2002, the Managing Committee of the first respondent society removed the petitioner from service on certain allegations. The petitioner challenges the same.

Sri Nandigam Krishna Rao, learned counsel for the petitioner submits that the first respondent did not conduct any enquiry into the matter nor issued any show cause notice and straight away passed a resolution terminating the services of the petitioner. He contends that the resolution is *ex facie*, illegal and cannot be sustained in law.

On behalf of the first respondent, a counter-affidavit is filed. It is stated that the Managing Committee was constrained to remove the petitioner on account of various acts of misconduct committed by him. He pleaded that the writ petition is not maintainable since there is an alternative remedy by way of appeal under Clause-12 of Special Byelaws.

Sri R.Radha Krishan Reddy, learned Standing Counsel for the first respondent, reiterates the contents of the counter-affidavit.

Though several contentions advanced on behalf of the petitioner touching on the validity of the resolution passed by the first respondent, this court is not inclined to

deal with the same at this stage. The reason is that the petitioner has an effective alternative remedy by way of appeal under Clause-12 of Special Byelaws. The appellate authority will be in a better position to appreciate the matter, duly calling for the records and remarks from the first respondent. The grievance of the petitioner is that the time stipulated for preferring the appeal had expired.

Hence, the writ petition is disposed of, leaving it open to the petitioner to prefer an appeal before the appellate authority under Clause-12 of Special Byelaws. In case, the appeal is presented within 30 days from today, the appellate authority shall treat the same as having been filed within a period of limitation. The appellate authority shall endeavor to dispose of the appeal within a period of four months from the date of presentation. No order as to costs.

23-12-2005

Prv